

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
STANLEY ARNOLD,

Plaintiff,

-v-

WESTCHESTER COUNTY DEPARTMENT OF
CORRECTIONS et al.,

Defendants.

JED S. RAKOFF, U.S.D.J.

:
:
: 09 Civ. 3727 (JSR)
:
:

: ORDER

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
LOC 4
DATE FILED: 8-25-10

On April 16, 2010, the Honorable Gabriel W. Gorenstein, United States Magistrate Judge, issued a Report and Recommendation in the above-captioned matter recommending that plaintiff's claims under 42 U.S.C. § 1983 against Watson, Carden, Kadel, and the Westchester County Department of Corrections be dismissed, without prejudice, with the exception of the claim against Watson that Watson was deliberately indifferent to the risk posed to Arnold by Binns. Judge Gorenstein also recommends that Westchester County should be substituted as a defendant for the Westchester Department of Corrections.

The parties have failed to file any objection to the Report and Recommendation, and, for that reason alone, have waived any right to review by this Court. See Thomas v. Arn, 474 U.S. 140, 147-48 (1985); Mario v. P & C Food Markets, Inc., 313 F.3d 758, 766 (2d Cir. 2002); Spence v. Superintendent, Great Meadow Corr. Facility, 219 F.3d 162, 174 (2d Cir. 2000). Accordingly, the Court hereby adopts the Report and Recommendation, and, for the reasons therein, dismisses the complaint without prejudice with the exception of the above-mentioned

claim against defendant Watson. The Clerk of the Court is directed to close document number 11 on the docket of this case.

SO ORDERED.



JED S. RAKOFF, U.S.D.J.

Dated: New York, New York
August 25, 2010